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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,635	04/20/2004	Mark A. Presser	52347/DRK/W463	5313

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER	
HURLEY, SHAUN R	

ART UNIT	PAPER NUMBER
3765	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/828,635	PRESSER ET AL.	
	Examiner	Art Unit	
	Shaun R. Hurley	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 7, lines 25-26: "roller 54" is incorrect

"curved portion 52" is incorrect

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 12, 15, and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamins et al (3486683).

Kamins teaches a low friction hanger system comprising a friction reducing element (Figures 1, 5, and 7) integral with the hanger hook and located on at least the underside of the hook and is unitary with the hanger. Kamins also inherently teaches the method of hanging an item on said hanger. In regards to spacing the hangers naturally, such will happen when two hangers with garments are placed beside one another, since two materials cannot maintain the same space and time.

4. Claims 1, 2, 5, 6-9, 11, 12, 16, and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stebbins (3448902).

Stebbins teaches a low friction hanger system comprising a friction reducing roller wheel (Figure 2) integral with and capable of being installed on a low friction hanger without a friction reducing element. Stebbins also inherently teaches the method of hanging an item on said hanger. In regards to spacing the hangers naturally, such will happen when two hangers with garments are placed beside one another, since two materials cannot maintain the same space and time.

5. Claims 1, 6-8, 10-12, 16, and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizrach (3935976).

Mizrach teaches a low friction hanger system comprising a friction reducing element (Figure 1) integral with and capable of being installed on a low friction hanger hook without a friction reducing element and incorporated with the hook and rod. Mizrach also inherently teaches the method of hanging an item on said hanger. In regards to spacing the hangers naturally, such will happen when two hangers with garments are placed beside one another, since two materials cannot maintain the same space and time.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stebbins.

Stebbins essentially teaches the invention as discussed above, but fails to specifically teach comprising a ball bearing. It would have been obvious, at the time the invention was

made, to utilize a ball bearing in the roller of Stebbins, so as to decrease friction even more than previously, but in a well known manner. Such an obvious change would have been well known to the ordinarily skilled artisan and understood. Likewise, the roller of Stebbins would obviously take on a concave shape once it was in use.

8. Claims 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamins in view of Lord (5167564).

Kamins essentially teaches the invention as discussed above, but fails to specifically teach using an integral magnet to displace the hanger relative to other hangers, which Lord teaches (Figures 5-7). It would have obvious to one of ordinary skill in the art, at the time the invention was made, to utilize magnets as taught by Lord in the hanger of Kamins, so as to ensure proper spacing of the hangers, thus preventing unwanted contact between garments.

9. Claims 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stebbins in view of Lord (5167564).

Stebbins essentially teaches the invention as discussed above, but fails to specifically teach using an integral magnet to displace the hanger relative to other hangers, which Lord teaches (Figures 5-7). It would have obvious to one of ordinary skill in the art, at the time the invention was made, to utilize magnets as taught by Lord in the hanger of Stebbins, so as to ensure proper spacing of the hangers, thus preventing unwanted contact between garments.

10. Claims 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizrach in view of Lord (5167564).

Mizrach essentially teaches the invention as discussed above, but fails to specifically teach using an integral magnet to displace the hanger relative to other hangers, which Lord

teaches (Figures 5-7). It would have obvious to one of ordinary skill in the art, at the time the invention was made, to utilize magnets as taught by Lord in the hanger of Mizrach, so as to ensure proper spacing of the hangers, thus preventing unwanted contact between garments.

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

12. Claims 1-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No. 11/124311. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claim an obvious hanger body structures having friction reducing means and magnets.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Strouts (2004/0069819) and Murphy (2005/0173475) both teach what is well known in the hanger art.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R. Hurley whose telephone number is (571) 272-4986. The examiner can normally be reached on Mon - Fri, 6:30 am - 3:00 pm, off second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shaun R Hurley
Examiner
Art Unit 3765

SRH
12 July 2006